

## § 6.40

## 7 CFR Subtitle A (1-1-08 Edition)

ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES, APPENDIX 2, NONHISTORICAL LICENSES;  
AND APPENDIX 3, DESIGNATED IMPORTER LICENSES FOR QUOTA YEAR 2007—Continued

[Quantities in kilograms]

Article by additional U.S. note number and country of origin	Appendix 1	Appendix 2	Appendix 3	
			Tokyo round	Uruguay round
Israel .....	27,000	.....	.....	.....
Norway .....	3,187,264	468,046	3,227,690	.....
Switzerland .....	1,283,125	400,980	1,745,895	200,000
Other Countries .....	85,275	1	.....	.....
TOTAL: CHEESE ARTICLES .....	68,346,120	19,554,533	22,764,145	24,921,000

[72 FR 53913, Sept. 21, 2007]

### Subpart—Price-Undercutting of Domestic Cheese by Quota Cheeses

AUTHORITY: Sec. 702, Pub. L. 96-39, 93 Stat. 144, 19 U.S.C. 1202 note.

SOURCE: 45 FR 9883, Feb. 13, 1980, unless otherwise noted.

#### § 6.40 General.

This subpart sets forth the procedures applicable to the determination by the Secretary of Agriculture as to whether the price at which any article of quota cheese is being offered for sale in the United States on a duty-paid wholesale basis is less than the domestic wholesale market price of similar articles produced in the United States (i.e., price-undercutting) in accordance with section 702 of the Trade Agreements Act of 1979 (Pub. L. 96-39, 93 Stat. 144, 19 U.S.C. 1202 note) (hereinafter referred to as the Act).

#### § 6.41 Definitions.

(a) *Complainant* means the person who has filed with the Investigating Authority, in accordance with the procedures set forth in this subpart, a written complaint alleging that price-undercutting is occurring.

(b) *Country of origin* means the country, as defined in 19 CFR 134.1(b), in which the quota article subject to this regulation was produced or manufactured.

(c) *Foreign government* means the government of the country of origin or, for purposes of determining whether a subsidy has been provided for the member states of the European Economic Com-

munity, the subsidy granting bodies of the European Economic Community.

(d) *Investigating Authority* means the Director, Dairy, Livestock and Poultry Division, Commodity Programs, Foreign Agricultural Service.

(e) *Quota cheese* means the articles provided for in the following items of the Tariff Schedules of the United States:

117.00 (except Stilton produced in the United Kingdom);  
117.05 (except Stilton produced in the United Kingdom);  
117.15;  
117.20;  
117.25;  
117.42;  
117.44;  
117.55;  
117.60 (except Gammelost and Nokkelost);  
117.75 (except goat's milk cheeses and soft-ripened cow's milk cheeses);  
117.81;  
117.86;  
117.88 (except goat's milk cheeses and soft-ripened cow's milk cheeses);

(f) *Secretary* means the Secretary of Agriculture.

(g) *Subsidy* has the same meaning as such term has in section 771(5) of the Tariff Act of 1930 as added by section 101 of the Trade Agreements Act of 1979 (19 USC 1677(5)).

(h) The *United States* means the Customs Territory of the United States, which is limited to the United States, District of Columbia and Puerto Rico.

#### § 6.42 Complaints of price-undercutting.

(a) *Submission of complaint.* Any person who has reason to believe that the price at which any article of quota cheese is offered for sale or sold in the